

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BORGWARNER ITHACA LLC, Plaintiff, v. SCHAEFFLER AG, and SCHAEFFLER GROUP USA INC., Defendants.	2:20-CV-10928-TGB-MJH HON. TERRENCE G. BERG ORDER APPOINTING CHRISTOPHER G. DARROW AS TECHNICAL ADVISOR
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On May 24, 2021, the parties participated in a scheduling conference where the Court proposed Christopher G. Darrow, Esq. to be appointed as technical advisor in this patent infringement case. Both parties consented to Mr. Darrow serving in the role of technical advisor. Pursuant to Rule 53 of the Federal Rules of Civil Procedure, and the Court's inherent authority, the Court orders as follows:

1. Christopher G. Darrow is hereby appointed as technical advisor in this matter. As technical advisor, Mr. Darrow shall act as a confidential advisor to the Court with regard to matters requiring technical expertise. In addition, the Court may direct Mr. Darrow to meet and confer with the parties in an effort to resolve any dispute or motion without formal adjudication, and to facilitate settlement of the

litigation. Mr. Darrow shall have no power to issue any order or make any binding decision.

2. Taking into account all of the factors and requirements set forth in Rule 53(g), the Court finds that an appropriate rate of compensation for Mr. Darrow is \$300 per hour and reimbursement for reasonable and necessary expenses. One-half of Mr. Darrow's fees and expenses shall be paid by Plaintiff, and one-half shall be paid by Defendant, subject to eventual shifting if the Court finds that to be appropriate. Mr. Darrow will invoice the parties monthly and the parties shall pay Mr. Darrow's invoice within 60 days of receiving his invoice. Any dispute regarding Mr. Darrow's fees and expenses shall be resolved by the Court.

3. The Court is authorized to have *ex parte* communications with Mr. Darrow orally and in writing. All such communications shall be confidential and not subject to disclosure or discovery. Counsel for the parties shall not have *ex parte* communication about the merits of any matter with Mr. Darrow, unless as part of settlement discussions or as part of discussions to narrow the disputed issues related to a motion or hearing.

SO ORDERED.

Dated: May 26, 2021

s/Terrence G. Berg

TERRENCE G. BERG

UNITED STATES DISTRICT JUDGE